

## **REMARKS-ARGUMENTS**

### **RE: Claims Objection**

In response to the objection to claims 29 and 11-18 for the use of indefinite articles in the dependent claims, the applicant has amended claims 2-9 and 11-18 to correct the improper use of indefinite articles.

### **RE: Claims Rejections**

#### **RE: Rejection under 35 USC 101**

In response to the Examiner's rejection of claims 1-18 under 35 USC 101, the applicant has amended claims 1-18 now directed at a method for extending an OSPF protocol (claims 1-9), and at a method for distributing vendor specific information (claims 10-18). The claims as amended cover a statutory subject matter according to 35 USC 101.

#### **RE: Rejection under 35 USC 112**

In response to the Examiner's rejection of claims 19-20 and 21 under 35 USC 112, first paragraph, the applicant has amended claims 19-20 and 21 to make them compliant with 35 USC 112.

Claim 19 as amended recites the steps of a method for distributing wavelength identification information for a WDM optical network using a known routing protocol. Claim 20 provides further limitations to claim 19.

Claim 21 as amended recites a first network element and a second network element of a WDM network for distributing wavelength identification information.

With regard to the rejection of claims 1-20 under 35 USC 112, second paragraph, the applicant has amended claims 1-20 (as described above) to comply with 35 USC 112, second paragraph.

With regard to the rejection of claims 1 and 10 for lack of proper antecedent basis, the applicant has amended the claims to reflect a proper use of the antecedent basis.

With regards to the rejection of claim 19 under 35 USC 112, second paragraph, the amendments on claim 19 (as described above) recite the specific steps used by the method of claim 19.

The rejection of dependent claims 2-9, 11-18 and 20 per their dependence to the rejected independent claims 1, 10 and 19 respectively are therefore overcome since claims 1 10 and 19, as amended are in condition of allowance.

#### **RE: Rejection under 35 USC 102(e)**

In response to the Examiner's rejection of claims 1-22 in view of Doshi under 35 USC 102 (e), the applicant respectfully traverses the Examiner's rejections.

The Examiner points to paragraph [0228], lines 1-11 of Doshi to substantiate his argument that Doshi discloses a packet having Vendor attributes TLV fields. Doshi states in paragraph [0228] lines 5-6: "*All types between 32,768 and 65,535 are reserved for vendor-specific extensions.*" These "*vendor specific extensions*" are not described anywhere in the Doshi application. From the reading of this excerpt, it is clear that Doshi does not intend to use the "*vendor specific extensions*" for any specific purpose. These fields are only reserved and not used at all. The provision of reserving fields for future use does not amount to the full disclosure of the Vendor Attributes TLV fields on the LSA payload and the Vendor Attribute Link State ID field on the LSA header for the distribution of vendor specific information to network elements of an optical network as claimed in claim 1 of the present application.

The Examiner further states: "*[0228] lines 15-23, "Resource Flag field" reads on "Enterprise Code field".*" The applicant respectfully disagrees with this statement since the "*Resource Flag field*" as described in the following excerpt from paragraph [0229], Lines 20-21: "*The first octet of the value field, the Resource Flag, describes the kind of resources that follow. If Resource Flag is set to 0\*01, only the restoration bandwidth*

*and the maximum restoration bandwidth are present*" does not relate to a vendor identification, and therefore can not read on the "*Enterprise Code field*" of the present invention.

For these reasons, the applicant respectfully requests that the rejection of claim 1 be withdrawn.

With regard to the rejection of claims 10, 19 and 21 by a similar rationale to that set forth in the rejection of claim 1, the applicant reiterates the arguments above and requests that claims 10, 19 and 21 be put in condition of allowance.

With regard to the rejections of claims 2 and 11, and of claims 3-4 and 12-13 the applicant, reiterating the arguments presented above, submits that the "Vendor Attribute Link State ID field" is not disclosed at all by Doshi, and therefore claims 2 and 11 can not be anticipated by Doshi. "Vendor Attribute Link State ID field" is neither mentioned nor discussed in Doshi.

With regard to the rejection of claim 5 and 14, the applicant respectfully disagrees with the examiner's inference that since Doshi discloses a distribution of information using OSPF, therefore Doshi anticipates claims 5 and 14. Doshi does not disclose the distribution of vendor specific link information or any other claim element recited in claims 5 and 14 and, in particular, Doshi does not disclose the use of dither tones and therefore can not anticipate claims 5 and 14. The applicant requests that the rejection of claims 5 and 14 be withdrawn.

With regard to the rejection of claims 6 and 15, the applicant states that claims 6 and 15 being dependent of claims 5 and 14, respectively, are not anticipated by Doshi per claims 5 and 14 not being anticipated by Doshi. Furthermore, the Doshi application does not disclose anything related to vendor attributes data section.

With regard to the rejection of claims 7 and 16, the applicant reiterates the arguments presented above that Doshi does not disclose anything related to vendor specific node or text string bearing a node name. Paragraph [0228] referenced by the Examiner

briefly mentions an “*advertising node*”, which can not be equated to the use of a node name having a text string bearing the name of the node as disclosed in claims 7 and 16. Therefore claims 7 and 16 are not anticipated by Doshi, and should be put in condition of allowance.

With regard to the rejection of claims 8 and 17, the applicant reiterates the arguments presented in reference to the rejection of claims 6 and 15 that Doshi does not disclose anything related to vendor attributes data section, and therefore can not anticipate claims 8 and 17. The applicant requests that the rejection of claims 8 and 17 be withdrawn.

With regard to the rejection of claims 9 and 18 dependent of claims 8 and 17, respectively, the applicant submits that they are not anticipated by Doshi per their dependence to claims 8 and 17. Furthermore the mere mentioning of “*advertising node*” by Doshi can not be equated to an advertising router ID field disclosed in claims 9 and 18.

With regard to the rejection of claims 20 and 22, the applicant respectfully disagrees with the Examiner and refers back to the arguments presented above with regard to claim 1. Doshi does not disclose vendor attributes-TLV fields or an Enterprise code field, and can not therefore anticipate claims 20 and 22.

### **Conclusion**

Accordingly, the Applicant respectfully requests that the Examiner to withdraw his rejections and allow claims 1 through 22 to issue.

Respectfully submitted,



Victoria Donnelly, Reg. No. 44,185